

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD JOSHUA SMITH,

Plaintiff,

v.

CHAUDRY UZMA, *et al.*,

Defendants.

Case No. 2:24-cv-00683-TLN-JDP (PC)

ORDER

Plaintiff, a state prisoner, brings this action against several medical providers at the California Health Care Facility and San Joaquin General Hospital. On November 13, 2024, I screened plaintiff's first amended complaint and found that it stated viable Eighth Amendment inadequate medical care claims against defendants Uzma and Gill. ECF No. 16. I found that the complaint failed to state a viable claim against any other defendant, however. Plaintiff filed a notice of election on December 23, 2024, indicating his intent to proceed with the claims that I identified as viable, with the caveat that he also proceed with his claim against San Joaquin General Hospital. ECF No. 25. That claim, however, is premised on a theory of respondeat superior liability, ECF No. 10 at 2, which is unavailable in section 1983 actions. *See Jett v. Dallas Indep. Sch. Dist.*, 491 U.S. 701, 736 (1989) ("We have rejected respondeat superior as a

1 basis for holding a state actor liable under section 1983.”). My screening order failed to apprise
2 plaintiff of this fact or to consider the viability of any claim against the San Joaquin General
3 Hospital, a defendant mentioned only in the caption.

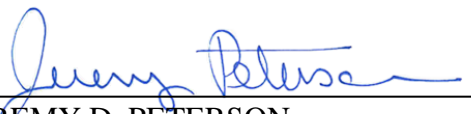
4 Accordingly, it is ORDERED that:

5 1. Within thirty days, plaintiff may once again confirm his intent to proceed only
6 with the Eighth Amendment claims against Uzma and Gill, or delay service and file an amended
7 complaint.

8 2. The Clerk of Court shall send plaintiff a section 1983 complaint form with this
9 order.

10 IT IS SO ORDERED.

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12 Dated: January 13, 2025

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14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
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